

2013 DRAFTING REQUEST

Bill

Received: 11/5/2013 Received By: eshea
 Wanted: As time permits Same as LRB:
 For: Jim Steineke (608) 266-2418 By/Representing: Jon Turke
 May Contact: Drafter: eshea
 Subject: Children - day care Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Steineke@legis.wisconsin.gov
 Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Permission to wake child at a child care center

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/P1	eshea 12/12/2013	scalvin 12/6/2013	rschluet 12/6/2013	_____	srose 12/6/2013		
/1		scalvin 12/13/2013	rschluet 12/13/2013	_____	sbasford 12/13/2013	srose 1/7/2014	

FE Sent For:

→ Not Needed

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/P1	eshea 11/25/2013	scalvin 12/6/2013	rschluet 12/6/2013		srose 12/6/2013		
FE Sent For:		/1 SAC 12/13/2013	/1 SEC 12/13/2013				
<END>							

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/P1	eshea	/P1 sac 12/06/2013	/P1 sac 12/06/2013				
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FE Sent For:

<END>

Shea, Elisabeth

From: Malaise, Gordon
Sent: Monday, November 04, 2013 2:51 PM
To: Shea, Elisabeth
Subject: FW: Day care law

Follow Up Flag: Follow up
Flag Status: Completed

From: Turke, Jon
Sent: Monday, November 04, 2013 2:22 PM
To: Malaise, Gordon
Subject: FW: Day care law

Hi Gordon-

We would like to draft a bill that would allow parents to give permission to child care centers to wake their child during the day. If you scroll down you can see the constituent email at the bottom and the department's response at the top. From what I understand this only affects children under 2.

Jon Turke

Office of Rep. Jim Steineke
 Assistant Majority Leader
 608-266-2418

From: Buschman, Sara - DCF [<mailto:Sara.Buschman@wisconsin.gov>]
Sent: Friday, November 01, 2013 3:49 PM
To: Turke, Jon
Cc: Moreau, Danielle - DCF
Subject: FW: Day care law

Jon,

Below please find information for your constituent. Let me know if you need anything else.

Wisconsin Administrative Code Chapters DCF 250 and 251 contain the administrative rules licensed family centers and group child care centers, respectively, are required to follow. DCF 250.09(2)(b) and DCF 251.09(2)(b), Wis. Admin. Code, states each infant and each toddler shall be allowed to form and follow his or her own pattern of sleeping and waking. See also DCF 202.08(1)(a)

for certified providers

Written permission from a physician is not included in the rule as an allowable alternative however the child care center may require the written permission in their own center policies. In addition, child care providers may submit a written request to the department for an exception to a rule requirement which must include justification for the exception and provide a description of how the alternative provision will meet the intent of the requirement. The department may grant the exception if the proposed alternative provision demonstrates to the satisfaction of the department that it would not jeopardize the health, safety or welfare of any child served by the center.

Sara

Sara L. Buschman
Assistant Deputy Secretary
Department of Children and Families

201 East Washington Avenue, Madison, WI 53703

Phone: 608.261.6588 • Fax: 608.261.6972

Email: sara.buschman@wisconsin.gov

From: Liedl, Kimberly - DCF
Sent: Thursday, October 17, 2013 10:11 AM
To: Moreau, Danielle - DCF; Buschman, Sara - DCF
Subject: FW: Day care law

Constituent request.

From: Turke, Jon [<mailto:Jon.Turke@legis.wisconsin.gov>]
Sent: Thursday, October 17, 2013 10:09 AM
To: Liedl, Kimberly - DCF
Subject: FW: Day care law

Hey Kimber-

I'm wondering if you could take a look at the email below and let me know if this is true.

Thanks!

Jon Turke
Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418

From: Jim Steineke [<mailto:jim@jimsteineke.com>]
Sent: Thursday, October 17, 2013 10:00 AM
To: Turke, Jon
Subject: Fwd: Day care law

Can you check into this?

Sent from my iPad

Begin forwarded message:

From: Mike Campbell <mikecampbellfamily@gmail.com>
Date: October 17, 2013 at 8:22:40 AM CDT
To: "jim@jimsteineke.com" <jim@jimsteineke.com>
Subject: Day care law

Did you know- my day care facility is not allowed to wake up my napping child upon my request because he is under 2! They would need a physicians note to do it!!!

Matthew has been waking up at 4:30 every morning and we need to change his schedule so he naps later to keep him from waking up at 4:30 am every morning. Even with the parents request they are unable due to law to follow parental orders.

This seems like an unintended consequence to some stupid law. I know you are all about getting government out from micro managing our lives. This would seem like a good start.

Thanks,
Mike

Sent from my iPhone



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3576/P1

EHS:/:....

Sac

In 11/25/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

①

gen as
AN ACT *two*; relating to: a child care provider waking a sleeping child under ②
2 years of age and granting rule-making authority.

Analysis by the Legislative Reference Bureau

two Current law directs the Department of Children and Families (DCF) to promulgate rules establishing standards for the operation of licensed child care centers and standards for the certification of child care providers for purposes of reimbursement under the Wisconsin Shares program (certified child care providers). Under that directive, DCF has promulgated: 1) a rule requiring licensed child care centers to allow a child under one year of age (infant) or a child at least one year of age but less than ② years of age (toddler) to form and follow his or her own pattern of sleeping and waking; and 2) a rule requiring a certified child care provider to allow a child to have undisturbed rest or a nap, when needed, in a place that is clean, safe, and comfortable. This bill requires DCF to promulgate rules permitting an exception to these rules upon the written request of the parent or guardian of the infant or toddler or to protect the health, safety, or welfare of any child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3

SECTION 1. 48.67 (5) of the statutes is created to read:

SECTION 1

all child care center licensees, and all employees
and volunteers of a child care center, who provide
care and supervision for children under 2 years of age allow

48.67 (5) That a child under 2 years of age be allowed to form and follow his
or her own pattern of sleeping and waking, except upon the written request of the
child's parent or guardian or to protect the health, safety, or welfare of any child.

SECTION 2. 49.155 (1d) (c) of the statutes is created to read:

49.155 (1d) (c) The department shall promulgate rules requiring a child care
provider to allow a child under 2 years of age to have undisturbed rest or a nap, when
needed, except upon the written request of the child's parent or guardian or to protect
the health, safety, or welfare of any child.

(END)

Shea, Elisabeth

From: LRB.Legal
Sent: Wednesday, December 11, 2013 4:47 PM
To: Shea, Elisabeth
Cc: Turke, Jon
Subject: FW: Draft review: LRB -3576/P1 Topic: Permission to wake child at a child care center

Follow Up Flag: Follow up
Flag Status: Flagged

From: Turke, Jon
Sent: Wednesday, December 11, 2013 4:43 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -3576/P1 Topic: Permission to wake child at a child care center

Draft looks good. Please switch it to a /1 and jacket for assembly.

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418

From: LRB.Legal
Sent: Friday, December 06, 2013 2:24 PM
To: Rep.Steineke
Subject: Draft review: LRB -3576/P1 Topic: Permission to wake child at a child care center

Following is the PDF version of draft LRB -3576/P1.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3576/P1 1

EHS:sac:1

RMR

In 12/12/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NO CHANGES

- gen act

- 1 **AN ACT** *to create* 48.67 (5) and 49.155 (1d) (c) of the statutes; **relating to:** a child
2 care provider waking a sleeping child under two years of age and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

Current law directs the Department of Children and Families (DCF) to promulgate rules establishing standards for the operation of licensed child care centers and standards for the certification of child care providers for purposes of reimbursement under the Wisconsin Shares program (certified child care providers). Under that directive, DCF has promulgated: 1) a rule requiring licensed child care centers to allow a child under one year of age (infant) or a child at least one year of age but less than two years of age (toddler) to form and follow his or her own pattern of sleeping and waking; and 2) a rule requiring a certified child care provider to allow a child to have undisturbed rest or a nap, when needed, in a place that is clean, safe, and comfortable. This bill requires DCF to promulgate rules permitting an exception to these rules upon the written request of the parent or guardian of the infant or toddler or to protect the health, safety, or welfare of any child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 48.67 (5) of the statutes is created to read:

48.67 (5) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under 2 years of age allow a child under 2 years of age to form and follow his or her own pattern of sleeping and waking, except upon the written request of the child's parent or guardian or to protect the health, safety, or welfare of any child.

SECTION 2. 49.155 (1d) (c) of the statutes is created to read:

49.155 (1d) (c) The department shall promulgate rules requiring a child care provider to allow a child under 2 years of age to have undisturbed rest or a nap, when needed, except upon the written request of the child's parent or guardian or to protect the health, safety, or welfare of any child.

(END)

Rose, Stefanie

From: Turke, Jon
Sent: Tuesday, January 07, 2014 9:30 AM
To: LRB.Legal
Subject: Draft Review: LRB -3576/1 Topic: Permission to wake child at a child care center

Please Jacket LRB -3576/1 for the ASSEMBLY.